

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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ALICE KIEFT,

Plaintiff,

v.

AMERICAN EXPRESS COMPANY,  
AMERICAN EXPRESS COMPANY LONG  
TERM DISABILITY PLAN, and  
AMERICAN EXPRESS COMPANY LIFE  
INSURANCE PLAN,

Defendants.

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CIVIL ACTION NO.:

04-10949 NMG

**PLAINTIFF'S MOTION FOR AN EXTENSION  
OF THE SCHEDULING ORDER**

Plaintiff, ALICE KIEFT, by her undersigned attorney, respectfully moves this Court for an extension of the scheduling order, extending discovery and the parties' time to file motions for summary judgment. In support of this motion, Plaintiff states as follows:

1. This action was filed on May 12, 2005; thereafter, the parties appeared for the initial scheduling conference on July 19, 2005. This action is one seeking payment of salary continuation benefits, long-term disability ("LTD") benefits, and life insurance continuation benefits based upon Plaintiff's continuing disability.
2. While the LTD and life insurance benefit claims are governed by ERISA, the salary continuation benefits are not. The Plaintiff has included counts for payment of the salary continuation benefits under both a contract theory, and alternatively, using a promissory estoppel theory.
3. In accordance with the Joint Statement of the parties which was adopted by the Court after the initial scheduling conference, discovery was to be completed by

the end of December, 2005, and cross motions for Summary Judgment filed on or before February 24, 2006.

4. For various reasons including the disagreement between the parties as to the confidentiality attendant to the plans' claim file and administrative file documents, the Plaintiff did not receive a copy of her complete claim file (some 768 pages) by way of defendants' automatic production until January 9, 2006. Moreover, documents concerning the defendants' administrative services agreement have yet to be disclosed.
5. As many of the documents are new to Plaintiff, she respectfully requests an extension of the time for discovery in order that this matter may be adequately prepared for trial. This additional time will also allow the parties to attempt to work out any other open issues.
6. After conferring on this issue, counsel for defendants has reported that they are not amenable to an enlargement of the discovery schedule, in large part because they do not believe that discovery is warranted. However, the defendants would not be unduly prejudiced by the allowance of Plaintiff's Motion.

WHEREFORE, the Plaintiff respectfully requests that the schedule be amended as follows:

Discovery to be completed:	April 30, 2006
Motions/Cross-Motions for Summary Judgment by:	May 26, 2006
Oppositions to be filed by:	June 23, 2006
Oral argument to be scheduled by the Court	
Trial to be scheduled by the Court	

Dated: Haverhill, MA  
February 7, 2006

By her attorney,

LAW OFFICE OF  
STEPHEN L. RAYMOND, ESQ.

By: /s/ Stephen L. Raymond  
Stephen L. Raymond  
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Certificate of Service

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on the 7th day of February, 2006.

*/s/ Stephen L. Raymond*